

VIRGINIA:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

EVERETT CALHOUN,

Plaintiff,

v.

Civil Action No.

BJ'S RESTAURANT AND BREWHOUSE ,

Defendant.

NOTICE OF REMOVAL

Defendant BJ's Restaurants, Inc. d/b/a BJ's Restaurant and Brewhouse ("BJ's Restaurant" or "Defendant"), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal to remove this action from the Circuit Court for the County of Prince William, Commonwealth of Virginia, captioned *Everett Calhoun v. BJ's Restaurant & Brewhouse*, CL22-3977. In support, BJ's Restaurant states as follows:

TIMELINESS OF REMOVAL

1. On May 17, 2022, Plaintiff Everett Calhoun filed a Complaint in the Circuit Court for the County of Prince William, captioned *Everett Calhoun v. BJ's Restaurant & Brewhouse*, CL22-3977. On July 26, 2022, Plaintiff filed an Amended Complaint and Order Granting Leave to Amend. A copy of the Amended Complaint is attached hereto as Exhibit A.

2. BJ's Restaurant was served the Summons and Amended Complaint on September 18, 2022.

3. BJ's Restaurant filed this Notice of Removal within thirty (30) days after service of the Summons and Amended Complaint on BJ's Restaurant. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

4. BJ's Restaurant has attached a copy of all process, pleadings, order, and other documents on file with the Circuit Court for the County of Prince William, Commonwealth of Virginia as Exhibit B.

GROUND FOR REMOVAL

5. BJ's Restaurant submits to this Court that it has original jurisdiction and it invokes the diversity jurisdiction of this Court as provided in 28 U.S.C. § 1332.

6. Specifically, Plaintiff is allegedly a resident of the Commonwealth of Virginia. Complaint ¶ 1.

7. BJ's Restaurant is organized under the laws of the state of California and has its principal place of business in Huntington Beach, California.

8. Plaintiff seeks to recover against BJ's Restaurant for an alleged slip and fall incident. The Complaint seeks \$500,000.00 in compensatory damages.

9. This Court has removal jurisdiction over this matter pursuant to 28 U.S.C. section 1332 as there is complete diversity of citizenship between the plaintiff and the defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10. Since this Court has diversity jurisdiction over this matter, it also has jurisdiction over any remaining claims contained in Plaintiff's Complaint under 28 U.S.C. § 1441(c) and/or under the doctrine of supplemental jurisdiction, 28 U.S.C. § 1367.

NOTICE OF REMOVAL TO STATE COURT AND TO ADVERSE PARTIES

11. Written notice of the filing of this Notice of Removal will promptly be served on all parties as required by 28 U.S.C. § 1446(d).

12. BJ's Restaurant will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court for the County of Prince William, Virginia, as required by 28 U.S.C. § 1446(d).

VENUE

13. Venue of this action in the United States District Court for the Eastern District of Virginia, Alexandria Division is proper, as this is the district and division in which the State court action is pending. 28 U.S.C. §§ 1446(a) and 1454(a).

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant BJ's Restaurant & Brewhouse, by counsel, respectfully requests that this civil action be removed from the Circuit Court for the County of Prince William, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division.

**BJ'S RESTAURANTS, INC. d/b/a BJ's
RESTAURANT & BREWHOUSE**

By Counsel

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C E R T I F I C A T E

I hereby certify that a true copy of the foregoing was sent via email only this 17th day of October, 2022 to:

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